REMARKS

Claims 1-86 have been examined. With this amendment, Applicant adds claims 87-92. Applicant submits that the subject matter of claims 87-89 is supported by at least Figs. 10, 11, 17, 24 and 25 and the subject matter of claims 90-92 is supported at least at page 14, lines 6-9 of the Specification. Claims 1-92 are all the claims pending in the application.

I.   Claim Rejections - 35 USC § 103

The Examiner has rejected claims 1-14, 16, 20, 21, 24, 25, 32, 37, 38, 40, 43-51, 53-55, 57, 60, 61, 64, 65, 67, 72, 74, 76 and 78-86 under 35 U.S.C. 103(a) as being unpatentable over Mayle *et al.* (US 6,018,774) ["Mayle"] in view of Haeberli (US 6,587,596) ["Haeberli"]. For at least the following reasons, Applicant traverses the rejection.

Claim 1 recites an image distributing system that comprises "an image collecting unit for automatically selecting said second image data among said plurality of said image data stored in said image database by identifying the target character according to character information thus obtained for distributing the second image including the target character."

In an illustrative, non-limiting example, the image-collecting unit identifies the target character according to the character information and automatically selects an image based on the character information. Consequently, the target character (e.g. an user of the claimed system) can obtain an image including the target character without exerting a lot of effort.

In contrast, even if, in Haeberli, "multiple images are selected based on the image attributes identified for the received images (block 706)"(col. 12, lines 37-38), Haeberli is still silent with respect to a selection based on an "attribute" of the target character (i.e., character

information). Absent such a suggestion in Haeberli, the Examiner's proffered reason for combining the references is not supported and is improper hindsight reconstruction.

In addition, since the Examiner concedes that Mayle does not teach the claimed automatic selection, Applicant submits that the combination of Mayle and Haeberli would not disclose at least the claimed image collecting unit which performs the claimed automatic selection.

Further, Applicant submits that the system in Haeberli still needs to make a user manually select images by pressing "Make a Diptych." See col. 13, lines 7-8. Thus, Mayle and Haeberli (taken alone or in combination) do not teach or suggest the claimed image collecting unit.

For at least the above reasons, Applicant respectfully submits that claim 1 is patentable (non-obvious) over Mayle in view of Haeberli.

Because claims 43 and 78 recite features similar to those given above with respect to claim 1, Applicant submits these claims are patentable for at least reasons similar to those given above with respect to claim 1.

Applicant submits that the remaining claims are patentable at least by virtue of their respective dependencies.

The Examiner has rejected claims 18, 19, 58 and 59 under 35 U.S.C. 103(a) as being unpatentable over Mayle and Haeberli as applied to claims 1 and 43 above, and further in view of Acosta *et al.*, (US 6,166,729) ["Acosta"]. For at least the following reason, Applicant traverses the rejection.

Because Acosta does not cure the deficient teachings of Mayle and Haeberli with respect to independent claims 1 and 43, Applicant submits that these claims are patentable at least by virtue of their respective dependencies.

The Examiner has rejected claims 15, 17, 22, 23, 26-28, 33, 34, 36, 39, 41, 52, 56, 62, 63, 66, 68, 69, 71, 73 and 75 under 35 U.S.C. 103(a) as being unpatentable over Mayle and Haeberli as applied to claims 1 and 43 above in view of Kuno, (US 6567121) ["Kuno"]. For at least the following reason, Applicant traverses the rejection.

Because Kuno does not cure the deficient teachings of Mayle and Haeberli with respect to independent claims 1 and 43, Applicant submits that these claims are patentable at least by virtue of their respective dependencies.

The Examiner has rejected claims 29-31, 35, 42, 70 and 77 under 35 U.S.C. 103(a) as being unpatentable over Mayle, in view of Haeberli, Acosta as and Kuno. For at least the following reason, Applicant traverses the rejection.

Because Acosta and Kuno do not cure the deficient teachings of Mayle and Haeberli with respect to independent claims 1 and 43, Applicant submits that these claims are patentable at least by virtue of their respective dependencies.

II.   New Claims

With this amendment, Applicant adds claims 87-92. Applicant submits that these claims are patentable at least by virtue of their respective dependencies, as well as the features set forth therein.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

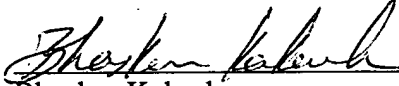overpayments to said Deposit Account.

Respectfully submitted,

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